

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: January 11, 2012
POSITION: Neutral

BILL NUMBER: SB 149
AUTHOR: L. Correa

BILL SUMMARY: Mobilehome Parks Act: Permit Invoice: Notice

This bill would require that the Department of Housing and Community Development, or local enforcement agency, to annually provide a mobilehome park operator notice of where the Mobilehome Residency Law can be obtained.

FISCAL SUMMARY

Minor, absorbable costs to the Department of Housing and Community Development (HCD) to revise its forms.

Although the bill would increase costs to those local governments that enforce the Mobilehome Parks Act, enforcement by local governments is discretionary because local governments have the option of returning enforcement to HCD. The courts have held that costs to a local entity resulting from an action undertaken at the option of the local entity are not reimbursable as "costs mandated by the state". Therefore, the bill does not impose a reimbursable mandate on local governments.

COMMENTS

The Department of Finance is neutral on the bill because it would provide useful information to mobilehome park operators, but does not have any significant fiscal effect on HCD or local governments that have opted to enforce the Mobilehome Parks Act. Because costs would be small, local governments would be unlikely to return enforcement of parks to HCD.

The Mobilehome Parks Act requires that operators of mobilehome parks comply with minimum health and safety standards and obtain an annual permit from HCD or the local government, if it has opted to enforce the Mobilehome Parks Act. This bill requires HCD, or local enforcement agency, to provide a notice on the annual permit invoice of where the Mobilehome Residency Law can be obtained.

Landlord tenant law governing residency in a mobilehome park is unique because a tenant owns the mobilehome, which is difficult to move, but places the home on a rented lot. The Mobilehome Residency Law requires that a park operator attach a copy of the Mobilehome Residence Law to each rental agreement, and annually provide each resident with a copy.

The Senate policy analysis indicates the author's office believes that there may be many park operators that are unaware of the Mobilehome Residency Law.

The Western Manufactured Housing Communities, which represents park operators, supports this bill. The Mobilehome Residency Law is readily available on-line through multiple sources, included HCD's website as well as the website of major industry groups.

Analyst/Principal (0740) K. Amann	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL NUMBER

SB 149

		SO	(Fiscal Impact by Fiscal Year)						
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP							Fund
Type	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014	Code
2240/HCD	SO	No	-----	No/Minor	Fiscal Impact	-----			0245
8885/Comm St Mndt	SO	No	-----	No/Minor	Fiscal Impact	-----			0001
<u>Fund Code</u>	<u>Title</u>								
0001	General Fund								
0245	Mobilehome Park Revolving Fund								